



PUBLIC NOTICE

Federal Communications Commission
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF NEWPATH NETWORKS, LLC TO CROWN CASTLE SOLUTIONS CORP.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-140

Comments Due: August 3, 2010

Reply Comments Due: August 10, 2010

On July 12, 2010, NewPath Networks, Inc. (NP-Parent), its wholly owned direct subsidiary NewPath Networks, LLC (NewPath), and Crown Castle Solutions Corp. (Solutions) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of NewPath to Solutions.¹

NewPath, a New Jersey limited liability company, provides transport and backhaul telecommunications services primarily to wireless providers in Arizona, California, Colorado, Louisiana, Maryland, Minnesota, Nevada, Oregon, Texas, Virginia, and Washington.² Its parent company, NP-Parent, a Delaware corporation, is a wireless infrastructure company. Applicants state that the following U.S.-based entities have a 10 percent or greater interest in NP-Parent: Meritage Fund III, L.P. (Meritage) (17.25 percent); Sweetwater Capital, LLC (Sweetwater) (32.95 percent); and Charter NewPath LLC (CNP) (43.45 percent).³ Solutions is a Delaware corporation and wholly owned indirect subsidiary of Crown Castle International Corp. (CCI), a wireless tower operator. Applicants state that subsidiaries of Solutions are authorized to provide competitive local exchange and interexchange services in the District of Columbia and twelve states.⁴ Applicants further state that the following U.S. based investment entities

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their domestic section 214 application on July 19, 2010.

² Applicants state that NewPath and its subsidiaries, InSITE Solutions, LLC and InSITE Fiber of Virginia, Inc., have authority to provide intrastate telecommunications service in multiple states.

³ Meritage Investment Partners III, LLC is the general partner of Meritage. William J. Marraccini, a U.S. citizen, is the 90 percent owner of Sweetwater. Charterhouse Equity Partners IV, LP (CHEP IV) is a member of CNP. CHUSA Equity Investors IV LP (CHUSA) is the general partner of CHEP IV. Charterhouse Equity IV, LLC (CHE IV) is the general partner of CHUSA, and Charterhouse Group, Inc. is the 100 percent owner of CHE IV. All entities are U.S. based. Applicants state that no other person or entity holds a 10 percent or greater interest in NP-Parent or NewPath.

⁴ The states are California, Colorado, Florida, Illinois, Massachusetts, Maryland, Nevada, New Jersey, New York, Pennsylvania, Virginia, and Washington.

have a 10 percent or greater interest in CCI: Janus Capital Management, LLC (JCM) (13.84 percent) and SPO Partners II, L.P. (SPO II) (12.1 percent). Janus Capital Group Inc., a publicly traded company, is the 100 percent owner of JCM. SPO Advisory Partners, L.P. (SPOAP) is the general partner of SPO II. SPO Advisory Corp. (SPO) is the general partner of SPOAP. SPO is controlled by the following U.S. citizens: John H. Scully (approximately 13.2 percent); William E. Oberndorf (approximately 13.2 percent); William J. Patterson (approximately 12.6 percent); Edward H. McDermott (approximately 12.5 percent). Applicants state that no other person or entity will hold a 10 percent or greater interest in NewPath.

Pursuant to the terms of the proposed transaction, NP-Parent, Solutions, and CCNP Corp., a subsidiary of Solutions created specifically for this transaction, entered into an agreement under which CCNP Corp. will merge with and into NP-Parent, with NP-Parent as the surviving entity. As a result, NP-Parent will become a wholly owned, direct subsidiary of Solutions, and Solutions will acquire indirect control of NewPath. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁵

Domestic Section 214 Application Filed for the Transfer of Control of NewPath Networks, LLC to Crown Castle Solutions, Corp., WC Docket No. 10-140 (filed July 12, 2010).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before August 3, 2010**, and reply comments **on or before August 10, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁶ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, e-mail one copy of each pleading to each of the following:

⁵ 47 C.F.R. § 63.03(b)(2)(i).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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